

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIM. NO. 08-10225-WGY
)	
DAMON PATRICK TOEY)	

MOTION TO MODIFY JUDICIAL RECOMMENDATION

The defendant Damon Patrick Toey respectfully requests this Court to modify its recommendation to the Federal Bureau of Prisons ("BOP"). This Court, at the defendant's request, recommended that the defendant be designated to serve his five-year sentence at the Federal Prison Camp at Edgefield, South Carolina. The defendant now requests a modification of that recommendation so that the defendant be designated to serve his sentence at the prison camp in Williamsburg, South Carolina. As grounds for this request, the defendant has learned that the prison camp at Williamsburg is significantly closer to the home of his girlfriend, Antonia Rodes. Ms. Rodes attended the defendant's sentencing hearing and wrote a letter to the Court on his behalf. This request to modify the Court's recommendation is made so that it will be easier for the defendant to receive visits from Ms. Rodes during his incarceration.

Counsel has informed Assistant U.S. Attorney Stephen Heymann

that she is requesting the modification set forth above. Counsel represents that the government takes no position on this motion.

Wherefore, for the foregoing reasons, the defendant requests that this motion to modify the judicial recommendation made in this case be granted.

Respectfully submitted,

By his attorney,

/s/ Syrie D. Fried
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CERTIFICATE OF SERVICE

I, Syrie D. Fried, do hereby certify that the foregoing motion was filed electronically via this Court's electronic case-filing system ("ECF"), and will be served electronically upon the parties identified in the Notice of Electronic Filing ("NEF") this 5th day of May, 2010.

/s/ Syrie D. Fried